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333. If the relator is released from custody before service, the writ should, of course, be quashed. *Commonwealth v. Chandler*, 11 Mass. 83; *Barnardo v. Ford*, *supra*. But it has been held that a release of the relator on bail after service will not oust the court of its jurisdiction to make a final order. *Pomeroy v. Lappeus*, 9 Ore. 363. And similarly where the respondent made a motion for a continuance on the ground that the relator had escaped, the court refused the motion and proceeded to final judgment. *Ex parte Coupland*, 26 Tex. 386. On the other hand, it has been held, in accord with the present case, that although the relator escaped after service, the writ should be dismissed. *Hamilton v. Flowers*, 57 Miss. 14. And on principle it would seem that when it appeared that the relator was no longer detained, since the very purpose of the writ, the termination of his detention, was shown to have been accomplished, it should have been quashed. The subsequent surrender and confinement constitute a new detention for which a new writ should issue.

HABEAS CORPUS — JURISDICTION OF COURTS — FEDERAL AND STATE COURTS. — A federal circuit court on the petition of a railway corporation granted an interlocutory injunction against the North Carolina railway commissioners, etc., pending an inquiry under the direction of the court as to the constitutionality of a state act defining maximum railway rates. It enjoined them from enforcing these rates and from prosecuting the company or its employees for failure to obey the statute. *Southern Ry. Co. v. McNeill*, 155 Fed. 756 (Circ. Ct., E. D. N. C.). Notwithstanding the circuit court had taken jurisdiction, an inferior state court convicted an employee of the company for failure to comply with the act. He applied to the circuit court for discharge on a writ of *habeas corpus*. *Held*, that the petitioner be discharged. *Ex parte Wood*, 155 Fed. 190 (Circ. Ct., W. D. N. C.). See NOTES, p. 204.

INJUNCTIONS — NATURE AND SCOPE OF REMEDY — BINDING PERSON WITHOUT NOTICE. — An injunction was issued enjoining A, his agents, successors, assigns, and all persons whomsoever, from maintaining a liquor nuisance on certain land. The defendant subsequently purchased the land and violated the order. It was not shown that he had knowledge of the injunction. *Held*, that the defendant is guilty of contempt. *State v. Porter*, 91 Pac. 1073 (Kan.).

On principle strangers to the suit should not properly be included in an injunction, since their rights have not been adequately represented. *Cf. Boyd v. State*, 19 Neb. 128; 17 HARV. L. REV. 486. But where an injunction binds the defendant, his abettors, etc., all such persons are held in contempt if they knowingly violate the decree. *Fowler v. Beckman*, 66 N. H. 424. And even persons acting independently have been held guilty of contempt for doing an act, knowing it was enjoined. *Chisolm v. Caines*, 121 Fed. 397. The court argued in the present case that the decree created a restriction on the land binding against subsequent owners. Even this would not justify the punishment of a person who had no knowledge of the injunction, for no one can be culpable in disregarding an order of which he was ignorant. *State v. Lavery*, 31 Ore. 77. It is fallacious to argue that if the defendant escapes punishment the injunction becomes a nullity on a change of ownership in the land, for the party originally enjoined may be in contempt by procuring a violation. *Poertner v. Russel*, 33 Wis. 193. There seems to be no justification for the conclusion that the defendant is in contempt.

INJUNCTIONS — NATURE AND SCOPE OF REMEDY — PERPETUAL INJUNCTION AFTER LONG POSSESSION. — A township road had been travelled continuously for a longer period than that required by the statute of limitations, but it was not altogether clear that the road did not wrongfully encroach on the defendant's land. *Held*, that in view of the town's long occupation, the defendant is perpetually enjoined from obstructing the road. *Williams v. Riley*, 113 N. W. 136 (Neb.).

When the right at law of one who seeks an injunction against a continuing trespass has not been clearly established, equity will usually deny him relief. *Washburn's Appeal*, 105 Pa. St. 480. A temporary injunction will be granted,